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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,558	07/10/2003	Vicky Kunold	Kunold - 3	4293

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SUITE 350  
BELLEVUE, WA 98004-5901

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/617,558

07/10/2003

Vicky Kunold

Kunold-3

EXAMINER

Rodriguez, Ruth C.

ART UNIT	PAPER
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01312006


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## Commissioner for Patents

The reply filed on 6 January 2006 is not fully responsive to the prior Office Action because: Newly submitted claims 3-11 are directed to an invention (method for keeping a bag closed) that is independent or distinct from the invention originally claimed (product) for the following reasons the product can be used in a materially different process of using the product such as holding athletic equipment in place against a user's body. Since applicant has received an action on the merits for the originally presented invention (product), this invention has been constructively elected by original presentation for prosecution on the merits. MPEP 706.07(h) Request for Continued Examination (RCE) Practice establishes that "Any newly submitted claims that are directed to an invention that is independent and distinct from the invention previously claimed will be withdrawn from consideration and not entered." Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

  
JJ Swann  
Supervisory Patent Examiner  
Technology Center 3600